

PRESENT:

Dr. William P. Brown, Chairman

Dr. Edgar V. Wallin, Vice Chairman

Mr. J. Dale Patton

Mr. Reuben J. Waller, Jr.

Mr. Kirkland A. Turner, Secretary to the Commission, Planning Director

ABSENT:

Mr. Russell Gulley

ALSO PRESENT:

Mr. Carl D. Schlaudt, Planning Manager,

Community Development

Mr. Michael E. Tompkins, Assistant Director,

Development Review Section, Planning Department

Ms. Jane Peterson, Planning and Special Projects Manager,
Development Review Section, Planning Department

Mr. Steven F. Haasch, Planning Manager,

Plans and Information Section, Planning Department

Ms. Stacy Taffer, Administrative Manager,

Plans and Information Section, Planning Department

Ms. Bonnie L. Perdue, Clerk to the Commission,

Plans and Information Section, Planning Department

Ms. Erica Hess, Administrative Assistant,

Plans and Information Section, Planning Department

Ms. Tara McGee, Assistant County Attorney,

County Attorney's Office

Mr. Robert Clay, Planning and Special Projects Manager,

Development Review Section, Planning Department

Ms. Teresa C. Davis, Planning and Special Projects Coordinator,

Development Review Section, Planning Department

Ms. Darla W. Orr, Planning and Special Projects Manager,
Development Review Section, Planning Department

Mr. Ryan Ramsey, Senior Planner,

Development Review Section, Planning Department

Mr. Ray Cash, Senior Planner,

Development Review Section, Planning Department

Mr. Allan Coker, Senior Planner,

Development Review Section, Planning Department

Mr. John McCracken, Director

Transportation Department

Mr. Scott Smedley, Director

Environmental Engineering Department

Mr. Randy Phelps, Principal Engineer,

Utilities Department

Mr. Dave Wolverton, Microcomputer Analyst

Information Systems Technology Department

Mr. Robby Dawson, Assistant Fire Chief

Fire Department

Mr. Michael Likins, Director

Cooperative Extension Office

ASSEMBLY AND WORK SESSION.

Messrs. Brown, Wallin, Patton, Waller and staff assembled at 3:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

- I. Requests to Postpone Action, Emergency Additions, Changes in the Order of Presentation.
- II. Review Upcoming Agendas. (Any rezoning, conditional uses or conditional use planned developments scheduled for future meetings.)
- III. Review Day's Agenda. (Any items listed for the 4:00 p.m. and 6:00 p.m. Sessions.)

- VI. (13PJ0125) Comprehensive Plan General Steps Implementation Update Phase I. [1]
- VII. (14PJ0105) Code Amendment Relative to the Keeping of Chickens in Residential Districts.
- VIII. (14PJ0109) Alternative Financial Institutions Policy Revision.
- IX. Recess.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

II. REVIEW UPCOMING AGENDAS.

Ms. Jane Peterson apprised the Commission of the caseload agendas for October, November, and December 2013 and January 2014.

III. REVIEW DAY'S AGENDA.

Mr. Michael Tompkins presented an overview of, and staff's recommendations for, a request to be considered at the 4:00 p.m. session.

Ms. Jane Peterson presented an overview of, and staff's recommendations for, requests to be considered at the 6:00 p.m. session.

Mr. Kirk Turner noted that the Proposed Code Amendment Relative to Technology Zones was scheduled for public hearing at the 6:00 p.m. session.

Mr. Waller requested clarification on the dotted area graphic for Case 14SN0508, Centralia Station, be available for the 6:00 p.m. session. Specifically he would like to see what is zoned A and R-7 so he can follow the narrative and the plat attached. In response to Mr. Waller's request, Mr. Robert Clay advised he could clarify the graphic plat for the 6:00 p.m. session presentation.

Mr. Waller stated that given the number of cases that are headed to deferral due to being tied to Cash Proffer Policy, a discussion is warranted on the Cash Proffer Policy that the Board may be taking up on item 7C on the agenda.

IV. WORK PROGRAM - REVIEW AND UPDATE. ■ WORK PROGRAM

In response to Mr. Waller's question, Mr. Turner explained that there are no applications pending for Skinquarter and Shoosmith Landfills. Once DEQ presents their report to Planning, it will be shared with the Commissioners. Ms. Tara McGee advised Mr. Waller that at this time there is no application before the Commission however staff may share any information with the Commission.

Dr. Wallin inquired about a development notification sign located near the Shoosmith Landfill and if it pertained to a current application.

In response to Dr. Wallin's question, Mr. Turner responded that the sign located near Shoosmith Landfill is an unrelated application. There is a site plan filed with the county for administrative approval to begin to create cells within the quarry. The application pending with DEQ is not associated with this application. Dr. Wallin expressed concern that the public may not understand the difference and at some point an explanation is needed.

In response to Mr. Waller's question, Mr. Turner clarified that the application pending before DEQ pertains to the old landfill which can accommodate out-of state waste. Every waste load brought to the landfill is recorded to include where the waste came from and where the waste is being deposited within that cell. Mr. Turner advised there are inspectors within the Planning Department that are tasked with routine inspections, some announced and some unannounced to determine that zoning requirements are being met. DEQ also inspects and is the agency charged with reviewing the manifest and log to ensure the waste is being deposited in the appropriate cells.

In response to Dr. Brown's question, Mr. Turner stated the landfill is restricted both in terms of area and height.

Dr. Brown explained that when the homes near the landfill were developed, the landfill was already in place so citizens that purchased homes in subdivisions near the landfill should have known that a landfill existed near their neighborhood.

Dr. Wallin stated that while the homes were in existence, the landfill was allowed to expand after the homes were built.

Mr. Turner explained that homes within the Highlands were built in the 1990s and the landfill expansion into the quarry was approved in 1997.

Mr. Waller asked if the Commission put a cap on the height of the landfill in regards to the expansion and was that cap in sync with federal caps for landfill heights. The landfill owners are

now expanding the wall to take the height up vertically to allow for additional capacity which can create a slope issue.

Mr. Turner advised there is nothing in either case that regulates the slope of the landfill and emphasized that DEQ regulates the slope of landfills. In 1997 there was a cap on slope/height that takes precedent over previous decisions. The height limitation is what is seen today. The landfill is now at its maximum height, the landfill itself will get wider and the peak seen today will become a plateau.

Mr. Patton agreed that citizens need to be informed and involved and hoped for a reasonable compromise.

V. PLANNING COMMISSION FOLLOW-UP ITEMS LIST. ■ FOLLOW-UP LIST

There were no comments on items listed on the work program.

VI. (13PJ0125) COMPREHENSIVE PLAN GENERAL STEPS IMPLEMENTATION UPDATE - PHASE I. 🗈

Dr. David Pritchard provided the Commission with an update on Phase II prioritization. Three items have been submitted and there have been some briefings with the Board and Commission. Phase II prioritization, Water and Waste Water Facilities Plan and the Properties Zoned Contrary to the Recommendations of the Land Use Plan projects have all been submitted by staff. A memorandum will go to the Board and Commission to properly inform the public of these items to provide transparency. Staff has received some comments from the Commission and Board and is in the process of finalizing these projects.

Dr. Pritchard stated that Phase II Implementation projects will start October 1st.

Mr. Waller stated he attended a meeting about the Route 360 corridor and wants to ensure that other county agencies like Economic Development and Dr. Pritchard's teams are all on the same page so efforts are not duplicated and it is seen as a joint effort.

Mr. Waller expressed concerns to Dr. Pritchard that there should be no duplicated efforts or wasted time regarding what other county departments are doing with the Revitalization Strategy. He went on to say that while Mr. Gulley was not at the meeting, he also wished Dr. Pritchard to know of his concerns about this topic.

Dr. Pritchard responded that at the October 15 Commission meeting he will have a more finalized report.

Mr. Waller went on to say he wanted property maintenance and tenant notification concerns addressed as he has blight issues in his own magisterial district. He continued by saying Mr. Gulley would like to see what other counties do about this problem and asked to add an item to the work program to include establishing a system to identify rental property owners and property maintenance violations of rental properties for the purpose of improved code compliance. Efforts to establish a viable system will include, but not be limited to, gathering current research material from no less than five (5) municipalities to include Schenectady, NY.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to add the above stated item to the Commission's October 15, 2013 work session.

Ms. Tara McGee suggested that the motion should include the Virginia rental inspection state law which would outline the limitations about what the county is entitled to do specifically with regard to rental inspections.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

Dr. Pritchard responded to Mr. Patton's question about the Special Area Plans time table being lengthy by explaining the Board and staff are all concerned about the timetable. Specifically, shortages of staff in the Planning Department are impacting the Special Area Plans. Dr. Pritchard and staff are looking at the Ettrick VSU Special Area plan to determine if there are any areas where time can be saved. If they can save time without compromising the end product, those time savers will be implemented into other Special Area Plans to help speed up the process. Dr. Pritchard said the Ettrick plan will be better than what we've had before.

In response to Mr. Waller's question, Dr. Pritchard indicated the memo should be out within a couple of days and there will be a response to all of the questions and concerns that were brought up at the Board and Commission meetings.

IX. <u>RECESS</u>.

The Commission recessed at 3:52 p.m., for the 4:00 p.m. public meeting and continuation of the work session.

4:00 P.M. PUBLIC MEETING.

I. CALL TO ORDER.

Dr. Brown, Chairman, called the meeting to order at 4:03 p.m., in the Public Meeting Room, Lane B. Ramsey Administration Building, 10001 Iron Bridge Road, Chesterfield, VA.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

III. REVIEW MEETING PROCEDURES.

Moved to the 6 p.m. session per Dr. Brown.

IV. APPROVAL OF MINUTES:

July 16, 2013 Minutes. ■

On motion of Mr. Waller, seconded by Mr. Patton, the Commission resolved to approve the July 16, 2013 Planning Commission minutes with the noted change.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

August 20, 2013 Minutes.
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The Commission deferred action of the August minutes to the October 15, 2013 public hearing.

V. PUBLIC MEETING.

CONSENT ITEMS: TENTATIVE SUBDIVISION WAIVER.

A. 14TW0108: In Dale Magisterial District, Jack Wilson requests an exception to the subdivision ordinance for Watermark and Watermark Townhomes in a Residential (R-7) and Commercial (C-3) District with conditional use and conditional use planned development on the west line of Iron Bridge Road at the intersection of Kingsland Glen Drive. Tax IDs 768-675-6940, 768-677-7008, 769-675-1666, 769-676-4414, -6587, -8348, 769-677-5615, -5911, -6216, -9427, 770-675-3252, 770-677-3050, -6585, -8335, 771-675-0055, 771-676-6355, 771-678-2064.

Mr. Jack Wilson, the applicant's representative accepted staff's recommendation and agreed to the conditions in the staff report.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Dr. Brown seconded by Mr. Patton, the Commission resolved to approve Case 14TW0108 subject to the following conditions:

CONDITIONS

- 1. Prior to the recordation of the 101st lot, the temporary apparatus access road as shown on the attached plat and the portion of Kingsland Glen Drive from the temporary apparatus access west to the existing Kingsland Glen Drive as approved by site plan 08PR0292 shall be built. (F)
- 2. The temporary apparatus access road shall be built, inspected and maintained to the Fire Department standards based on the Virginia Statewide Fire Prevention Code. (F)
- The owner/developer, Chesterfield Business PTNS, LLC or any successor owner/developer of Watermark or Watermark Townhomes, shall be responsible for the maintenance of the temporary apparatus access road. (F)
- 4. After the construction of Watermark, Section C, to base pavement, the temporary apparatus access road shall be removed. (F)
- 5. The final plat reflecting the two (2) lots which the proposed temporary apparatus access road crosses shall indicate no building permit can be issued until such time as the temporary apparatus access road is removed. (F & P)

6. This exception is valid for thirty-six (36) months from the date of approval. If the second public access has not been built within this timeframe, no further building permits or lot recordation will be permitted. (F & P)

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

CONTINUATION OF WORK SESSION.

VII. (14PJ0105) CODE AMENDMENT RELATIVE TO THE KEEPING OF CHICKENS IN RESIDENTIAL DISTRICTS.

Dr. Brown indicated the Board's desire for a decision by the November 19, 2013 Planning Commission meeting.

Ms. Jane Peterson provided a presentation explaining that currently the keeping of chickens in agricultural districts is permitted, limited to twelve chickens on parcels containing less than three acres. On parcels containing three or more acres, there is no limit on the number of chickens. In Residential Districts, the keeping of any chickens requires a conditional use. Recently, community interest in the keeping of chickens in Residential Districts has increased and currently there are two (2) conditional use applications pending. In August the Board directed staff to prepare an ordinance amendment relative to the keeping of chickens in Residential Districts and directed the Planning Commission to make a recommendation after conducting a public hearing no later than November 2013. After the work session today, staff will request the Commission to set a public hearing for an ordinance amendment for the October 15, 2013 meeting or at the latest, November 19, 2013.

Ms. Peterson recognized Heather Barrar in the Planning Department and Mike Likins with the Extension office for their contributions toward drafting the ordinance amendment. She went on to say other Virginia localities were benchmarked on this issue, along with other resources including the American Planning Association, the Agricultural and Forestry Committee and County Animal Control. Factors that were used to develop the report were based upon land use impacts plus animal safety and behavior.

Ms. Peterson provided an overview of the draft Ordinance amendment indicating its impact on two (2) sections of the Code being the R-88 District and the definitions. Specifically, the keeping of chickens would become a use permitted with restrictions in all single family residential categories, as captured in the R-88 District. The term chicken would be removed from the definition of a residential stock farm and separately defined for reference apart from other stock farm animals.

Ms. Peterson indicated the recommended restrictions in Residential Districts would address the use as accessory to a dwelling; limit the number of chickens to four (4) with no roosters; address housing and enclosure sizes and setbacks from property boundaries; and prohibit slaughtering of chickens. She stated if the standards are met, chicken keeping would be permitted, if not, a conditional use permit would be required.

In response to Mr. Patton's questions, Ms. Peterson indicated that the Board directed focus be on the keeping of chickens and did not address the keeping of rabbits.

Dr. Wallin requested that the language be easy to understand regarding the keeping of chickens and that the setback requirements and lot size details need to be spelled out in clear language. He expressed a preference to eliminate reference to residential zoning designations as he felt this would result in confusion.

Ms. Peterson responded to Mr. Patton's question about fees relative to the keeping of chickens to which she replied that should an applicant meet all of the standards, there is no fee.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to set a public hearing for the Keeping of Chickens in Residential Districts for October 15, 2013.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

VIII. (14PJ0109) ALTERNATIVE FINANCIAL INSTITUTIONS POLICY REVISION.

Mr. Ray Cash provided an overview of the proposed policy amendment relative to Alternative Financial Institutions. In August 2013, the Board referred the proposed policy revision for Planning Commission consideration and recommendation. Of particular concern to the Board was the visual impact of the uses in freestanding buildings. Staff is requesting the Commission set a public meeting for October 15, 2013.

In response to Dr. Brown, Mr. Cash stated that the term for shopping center was defined in the ordinance.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to set a public meeting for Alternative Financial Institutions Policy Revision to October 15, 2013.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

VI. RECESS.

There being no further business to discuss, the Commission recessed the Afternoon Session at approximately 4:29 p.m., agreeing to meet in the Executive Meeting Room for dinner; and to reconvene in the Public Meeting Room at 6:00 p.m. for the public hearing.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. INVOCATION.

Dr. Brown presented the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led the Pledge of Allegiance to the Flag.

III. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Kirk Turner apprised the Commission of the caseload agendas for October, November, December and January 2014.

IV. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF

PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

V. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VI. CITIZENS' COMMENT ON UNSCHEDULED MATTERS.

Mr. Bob Olsen of the Midlothian District expressed his concern about Chesterfield County allowing fly ash to travel in dump trucks over the roads spreading the toxic material throughout the county. He feels Chesterfield County should not allow it and should follow Henrico County's lead.

Ms. Kip Renearman, a Moseley resident feels that Chesterfield County should review the current ordinances on landfills and not make any decisions until a comprehensive review can be performed on landfills.

VII. PUBLIC HEARING.

DEFERRAL REQUEST BY APPLICANT.

E. <u>13SN0110</u>*: In Matoaca Magisterial District, Chesterfield DD, Inc. requests rezoning from Residential Townhouse (R-TH) to Community Business (C-3) with conditional use to permit multifamily and townhouse residential uses plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 85.4 acres fronting 460 feet on the south line of Hull Street Road, across from Cosby Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (minimum 4.0 to 8.0 dwellings per acre), Suburban Residential I use (maximum of 2.0 dwellings per acre) and Neighborhood Business uses. Tax IDs 717-669-2537; and 717-670-1030, 1751, 2877 and 8050.

Mr. Jack Wilson, the applicant's representative, requested deferral of Case 13SN0110 to the November 19, 2013 Planning Commission public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Brown closed the public hearing.

The following motion was made at the applicant's request.

On motion of Dr. Wallin, seconded by, Mr. Waller the Commission, resolved to defer Case 13SN0110 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

G. 13SN0519*: In Bermuda Magisterial District, River's Bend East, LLC requests amendment of zoning (Case 04SN0197) relative to deletion of cash proffers and amendment of zoning district map in a Residential (R-12) District on 99.3 acres fronting in various locations along Anchor Landing Court, Anchor Landing Drive, Anchor Landing Place, Bluewater Drive, Blue Water Terrace, Channel View Drive, Channel View Terrace, North Enon Church Road, Shallow Cove Drive and Sinker Creek Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Low Density Residential use (maximum of 1.0 dwellings per acre). Tax IDs 822-661-3043, 4694, 4969, 9171 and 9416; 822-662-5422, 7709, 7732 and 8838; 823-660-1465 and 2793; 823-661-0310, 0653, 1195, 2713, 2779, 3490, 5194, 7485, 7597 and 7971; 823-662-0923, 5888, 7911, 8124 and 9432; 824-661-0060, 0183 and 1492; 824-662-0210, 0424, 1480, 2105, 2538, 2663, 2686, 3717, 3991, 4065, 4955, 5678, 6468, 3957, 7345 and 8086; 824-663-2711, 4117, 6027, 7202, 7331 and 8408; 825-660-9979; 825-661-6811; 825-662-6584, 7258, 7891 and 9097; 825-663-0139, 1214 and 7439; 826-661-8420; 826-662-0976, 2377, 3575, 4772, 5664, 5899 and 6770; and 826-663-0301, 1603, 3002 and 4301.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 13SN0519 to the January 21, 2014 Planning Commission public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

There being no one to speak, Dr. Brown closed the public hearing.

The following motion was made at the applicant's request.

On motion of Mr. Patton, seconded by, Mr. Waller, the Commission resolved to defer Case 13SN0519 to the January 21, 2014, Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

H. 13SN0543: In Midlothian Magisterial District, Racetrack Petroleum, Inc. requests rezoning from Agricultural (A) to Community Business (C-3) and amendment of zoning district map on 11 acres located in the southeast corner of Midlothian Turnpike and Otterdale Woods Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Commercial District use. Tax ID 721-709- 7721 and 722-709-0435.

Mr. Jack Wilson, the applicant's representative, requested deferral of Case 13SN0543 to the October 15, 2013 Planning Commission public hearing.

Dr. Brown opened the floor for public comments.

Mr. William Harvey expressed opposition to Case 13SN0543, requesting a sixty (60) day deferral due to the limited information that the applicant has been able to provide regarding traffic flow.

There being no one else to speak, Dr. Brown closed the public hearing.

The following motion was made at the applicant's request.

On motion of Mr. Waller, seconded by, Dr. Wallin, the Commission, resolved to defer Case 13SN0543 to the October 15, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

DEFERRAL REQUESTS BY INDIVIDUAL PLANNING COMMISSIONERS.

A. <u>095N0141</u>*: In Dale Magisterial District, **Cascade Creek Homes, Inc.** requests rezoning and amendment of zoning district map from Residential (R-9) to Neighborhood Business (C-2) on 12.5 acres located in the northeast corner of the intersection of Cogbill Road and Five Forks Lane. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 762-678-Part of 4600.

Mr.Jim Theobald, the applicant's representative accepted deferral of Case 09SN0141 by Dr. Brown to the regularly scheduled March 2014 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Dr. Brown's request.

On motion of Dr. Brown, seconded by, Dr. Wallin the Commission, on their own motion and with the applicant's consent, resolved to defer Case 09SN0141 to the regularly scheduled March 2014 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

12SN0154*: In Dale Magisterial District, **Dominion Investment Partners**, **LLC** requests rezoning from Residential Townhouse (R-TH) to Residential Multifamily (R-MF) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 29.9 acres fronting in two (2) places for a total of 1,135 feet on the north line of Genito Road, across from Genito Lane. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for High Density Residential use (minimum 8.0 to 12.0 dwellings per acre). Tax IDs 747-681-7089, 747-682-7022 and 8276; and 748-681-0499.

The applicant's representative was not present to accept deferral of Case 12SN0154 by Dr. Brown to the November 19, 2013 public hearing.

Ms. Darla Orr stated the applicant accepted the deferral to the November 19, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Dr. Brown's request.

On motion of Dr. Brown, seconded by, Dr. Wallin the Commission, on their own motion and with the applicant's consent, resolved to defer Case 12SN0154 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

C. 12SN0226*: In Matoaca Magisterial District, Jack R. Wilson, III requests amendment of conditional use planned development (Case 06SN0163) relative to modification of cash proffer payments and required road improvements and amendment of zoning district map in a Residential Multifamily (R-MF) District on 66.3 acres fronting 910 feet on the east line of Otterdale Road, 1,000 feet east of Foxcreek Crossing. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Medium-High Density Residential use (minimum 4.0 to 8.0 dwellings per acre). Tax IDs 711-671-8733; 712-671-5171; 712-672-3060; and 713-672-1167.

Mr. Jack Wilson, the applicant's representative accepted deferral of Case 12SN0226 by Dr. Wallin to the November 19, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

Dr. Wallin requested this case be double advertised.

The following motion was made at Dr. Wallin's request.

On motion of Dr. Wallin, seconded by, Mr. Waller the Commission, on their own motion and with the applicant's consent, resolved to defer Case 12SN0226 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

D. 12SN0227*: (AMENDED) In Bermuda Magisterial District, Twin Rivers, LLC requests amendment of conditional use planned development (Case 08SN0111) relative to conceptual plan, uses, development standards, access and reduction of cash proffers and amendment of zoning district map in a Community Business (C-3) District on 67.7 acres located in the southwest corner of Meadowville and North Enon Church Roads. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Mixed use. Tax IDs 823-659-3856, 6573 and 9483; and 824-659-2386, 5689 and 8890.

Ms. Carrie Coyner, the applicant's representative accepted deferral of Case 12SN0227 by Mr. Patton to the November 19, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Patton's request.

On motion of Mr. Patton, seconded by, Mr. Waller the Commission, on their own motion and with the applicant's consent, resolved to defer Case 12SN0227 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

F. <u>13SN0132*</u>: (AMENDED) In Dale Magisterial District, Chesterfield Business Partners LLC and Kingsland Towncenter LLC request amendment of conditional use (Cases 06SN0237 and 07SN0226) relative to deletion of cash proffers and amendment of zoning district map in a Community Business (C-3) District on 101 acres fronting the west line of Iron Bridge Road and the north and south lines of Kingsland Glen Drive. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business and Industrial uses. Tax IDs 770-677-6585; 771-676-6355; 771-678-2064; 772-676-1473; and 772-677-3568.

Ms. Carrie Coyner, the applicant's representative accepted deferral of Case 13SN0132 by Dr. Brown to the November 19, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Dr. Brown's request.

On motion of Dr. Brown, seconded by, Mr. Patton the Commission, on their own motion and with the applicant's consent, resolved to defer Case 13SN0132 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

O. 14SN0509: In Matoaca Magisterial District, Hulbert RS Builders, Inc. requests rezoning from Residential (R-9) to Neighborhood Office (O-1) and amendment of zoning district map on 1.4 acres fronting 170 feet on the east line of North Spring Run Road, 660 feet north of McEnnally Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 725-670-2347.

Ms.Carrie Coyner, the applicant's representative accepted deferral of Case 14SN0509 by Dr. Wallin to the November 19, 2013 public hearing.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Dr. Wallin's request.

On motion of Dr. Wallin, seconded by, Mr. Waller the Commission, on their own motion and with the applicant's consent, resolved to defer Case 14SN0509 to the November 19, 2013 Planning Commission public hearing.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

• <u>CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION.</u>

I. <u>14SN0500</u>: In Midlothian Magisterial District, JLP-Richmond, LLC c/o Paul Gugino requests amendment of zoning (Cases 89SN0303 and 93SN0189) to permit restaurant use, increase density, permit administrative site plan review and modify architectural conditions and amendment of zoning district map in a Neighborhood Business (C-2) District on 5.5 acres known as 1300 Huguenot Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax ID 739-710-7626.

Mr. Lance Koth, the applicant's representative accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Mr. Waller, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 14SN0500 subject to the following conditions:

PROFFERED CONDITIONS

- 1. Development shall be limited to a maximum of 65,000 gross square feet on the request property. (P)
- 2. A restaurant, limited to a sit-down and/or carry-out restaurant, shall be permitted within a 200 foot radius of the intersection of Alverser Drive and Huguenot Road. (P)
 - (STAFF NOTE: This use is in addition to those uses permitted by Proffered Condition 7 for Case 89SN0303.)
- 3. The architectural treatment of any building located within a 200 foot radius of Alverser Drive and Huguenot Road shall have an architectural design generally as shown on the elevations by Herschman Architects. (Exhibit B) (P)

(STAFF NOTE: This condition amends the Proffered Condition for Case 93SN0189.)

(STAFF NOTES:

A. Except as amended herein, all previous conditions of zoning approved in Cases 89SN0303 and 93SN0189 shall remain in full force and effect.

B. With approval of this request, Proffered Condition 9 of Case 89SN0303 would be deleted.)

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

J. 14SN0501: In Bermuda Magisterial District, James H. Martin, Jr. requests rezoning from General Business (C-5) to Agricultural (A) with conditional use to permit cemetery use and amendment of zoning district map on 7 acres lying 780 feet off the southern terminus of Continental Boulevard, 335 feet south of Touchstone Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 805-635-7512.

Mr. James H. Martin, Jr. the applicant, accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 14SN0501 subject to the following conditions:

PROFFERED CONDITIONS

- 1. Permitted uses shall be limited to the following:
 - a. Cemetery;
 - b. Publicly operated parks, playgrounds and athletic fields, including their customary buildings and facilities. Public and private forests, wildlife preserves and conservation areas. (P)

(STAFF NOTE: No other permitted uses by right or uses permitted with certain restrictions of the Agricultural (A) zoning district shall be permitted on the request property.)

- 2. Timber management, for the purpose of enhancing the health and viability of the forest, shall occur under the supervision of a qualified forester, and will only be allowed upon the submission and approval of the appropriate forest management plan to include, but not limited to, erosion control, Chesapeake Bay Act/wetland restrictions, and the issuance of a land disturbance permit by the Environmental Engineering Department. Any other timbering shall be incorporated into the site development erosion and sediment control plan/narrative as the initial phase of infrastructure construction and will not commence until the issuance of the actual site development land disturbance permit. (EE)
- 3. Those portions of the property generally located at elevation fifty-five (55) feet and below shall remain in their natural, undisturbed state to the maximum extent

practicable. The actual portion of the project subject to this restriction will be determined at the time of site plan review in collaboration with the Environmental Engineering Department. (EE)

4. Except where those requirements for the Agricultural (A) District are more restrictive, development shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) uses in Emerging Growth District areas. (P)

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

K. <u>14SN0502</u>: In Dale Magisterial District, Walter Barineau and Elliot S. Eisenberg request amendment of conditional use planned development (Case 07SN0166) relative to uses, setbacks, buffers, landscaping and parking and amendment of zoning district map in a Community Business (C-3) District on .5 acre fronting 150 feet on the east line of Hopkins Road, 280 feet south of Meadowdale Boulevard. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Neighborhood Business use. Tax ID 781-684-1434.

Mr. Jim Theobald the applicant's representative accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of Case 14SN0502 subject to the following conditions.

PROFFERED CONDITIONS

The property owner and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owner and applicant. In the event this request is denied or approved with conditions not agreed to by the owner and applicant, the proffer shall immediately be null and void and of no further force or effect.

The proffered conditions of Case 07SN0166 are hereby amended and restated as follows:

- Uses. Uses shall be limited to those uses permitted by right or with restrictions in the Neighborhood Office (O-1) District plus restaurant uses not to include fast food or carry out restaurants other than restaurants whose principal use is for beverages and/or frozen desserts in a ready-to-consume state which shall be permitted. (P)
- Stormwater Retention. Prior to the submittal of a site development plan, a drainage study shall be submitted to the Environmental Engineering Department for review and approval. The purpose of the drainage study is to address the inadequate downstream

storm drainage facilities and to determine what combination of onsite improvements will produce a negligible amount of runoff in accordance with regulations which would require no variances under the County's Erosion & Sediment Control Program to be granted by the Environmental Engineering Department. (EE)

- 3. <u>Vehicular Access</u>. Direct vehicular access to Hopkins Road shall be limited to one entrance/exit at its current location. (T)
- 4. <u>Architectural Treatment</u>. Development shall be limited to a maximum of one building not to exceed 2000 gross square feet. Development of the Property shall be in general conformance with the architectural appearance and materials shown on the elevations attached hereto. (P)
- Master Plan. The Textual Statement dated August 26, 2013 shall be the Master Plan.
 (P)
- 6. <u>Freestanding Signage</u>. Any freestanding signage shall not exceed eight (8) feet in height, twenty (20) square feet of permanent copy, and five (5) square feet of changeable copy. (P)

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

L. 14SN0503: In Bermuda Magisterial District, Kathleen Jackson requests amendment of zoning (Case 99SN0155) relative to uses and amendment of zoning district map in a General Business (C-5) District on 5.7 acres known as 2540 Paradise Cove Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for General Commercial use. Tax IDs 793-671-Part of 2376, 5266 and 6488.

Ms. Kathleen Jackson the applicant, accepted staff's recommendation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Mr. Patton, seconded by Dr. Wallin, the Commission resolved to recommend approval of Case 14SN0503.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

M. 14SN0506: In Midlothian Magisterial District, Elliot M. Liffman, Midlothian Center, LLC, and W. Spilman Short request conditional use planned development to permit a dry cleaning plant and amendment of zoning district map in a Community Business (C-3) District on 8.3 acres fronting 85 feet on the south line of Midlothian Turnpike, across from Crowder Drive, also fronting 630 feet on the east line of Coalfield Road, 185 feet south of Midlothian Turnpike. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Village Shopping District use. Tax ID 729-707-0243.

- Mr. Waller declared a conflict and excused himself at 6:38 p.m. and returned at 6:41p.m.
- Mr. Spilman Short, the applicant's representative accepted staff's recommendation.
- Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Dr. Wallin, seconded by Mr.Patton, the Commission resolved to recommend approval of Case 14SN0506 subject to the following conditions.

PROFFERED CONDITION

- 1. Uses. Uses permitted shall include a dry cleaning plant, subject to the following restrictions:
 - a. Such use shall be operated in conjunction with a dry cleaning pick-up and drop-off business and shall not exceed 3,600 gross leasable square feet in area.
 - b. The dry cleaning plant shall be limited to processing clothing from dry cleaning drop-off and pick-up locations owned and operated by the dry cleaning company operating the dry cleaning plant only.
 - c. Hours and days of operation shall be limited to Monday through Friday from 7 a.m. to 7 p.m. and Saturday from 8 a.m. to 5 p.m. There shall be no Sunday operation of this use.

AYES: Messrs. Brown. Wallin and Patton.

ABSENT: Messrs. Gulley and Waller.

• CASE WHERE THE APPLICANTS DO NOT ACCEPT STAFF'S RECOMMENDATION AND THERE IS NO PUBLIC OPPOSITION

- N. 14SN0508: In Bermuda Magisterial District, Centralia Station LLC requests amendment of zoning (Case 93SN0147) relative to density and access and amendment of zoning district map in Agricultural (A) and Residential (R-7, R-9 and R-12) Districts plus proffered conditions on adjacent property zoned Residential (R-7) on 73.3 acres fronting 20 feet on the south line of Centralia Road, 510 feet on the east line of Centralia Station, 600 feet west of Chester Road. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Residential use (1 and 1.5 dwelling per acre or less). Tax ID 786-660-5178.
 - Mr. Patton declared a conflict of interest and left at 6:41 p.m. He returned at 7:34 p.m.

Mr. Robert Clay provided an overview of the request and staff's recommendation for denial of Centralia Station. Adjacent properties to the north, south and west are zoned Residential R-25, R-12, R-9, R-7 Agricultural A, and are occupied by single family residential uses or are vacant. While adjacent property to the east is zoned Agricultural A, and C-2 and is also occupied by single family residential uses, commercial use or is vacant. A single family residential subdivision is planned at this location. The applicant is proffering a maximum of twenty-one (21) lots yielding a density of point three (.3) dwelling units per acre. This is a reduction from the maximum of one hundred thirty-five (135) lots that are currently allowed on the property. They also proffered that dwellings are to be a maximum of 2,000 square feet and have foundations of brick, stucco, stone or other finished materials. The applicants propose to use private wells and septic systems. The Utilities Department feels that given the location of the public water and waste water lines, which are adjacent to the properties, the development should connect to the public systems. In addition, while a late proffer was received that requires all dwellings to have a sprinkler system for fire protection; the Fire Department would rather have public water used for fire protection purposes. Also, while the current zoning does not require the developer to address the impact of the development of capital facilities. the Cash Proffer Policy allows the County to access the impact of all dwelling units in previously approved cases that come back before the Commission and the Board.

Mr. John McCracken with the Transportation Department, Dr. Wallin and Mr. Waller all expressed concerns about the proximity of the road access to the railroad crossing on Centralia Road. The significance of traffic backup headed east on Centralia Road could create a safety issue with traffic backup up onto the railroad tracks. Mr. Clay indicated the applicant has not proposed any turn lanes or road improvements to mitigate the backup of traffic at the railroad crossing.

Mr. Clay indicated the applicant has agreed to provide a minimum of sixty (60) feet of open space to separate Wellington Farms from the proposed Centralia Station development. They have also stated they will not provide vehicular access through Wellington Farms even for emergency purposes. Staff has recommended denial because the impact on capital facilities has not been addressed, and Utilities, Fire and Transportation Departments' concerns have not been adequately addressed.

Ms. Carrie Coyner, the applicant's representative did not accept staff's recommendation. The proposed subdivision will allow for twenty-one (21) lots that are much larger than the original plan and these twenty-one (21) lots will use the roads that are there today. There are no cash proffers associated with this case. Ms. Coyner stated the public was polled and they preferred the twenty-one (21) home plan versus the original ninety-nine (99) home plan. In addition, she explained that private wells and septic will be what is offered to these lots and all homes will have sprinklers unless alternative fire code protection is provided in the way of a dry hydrant or having public water extended to these lots.

In response to Mr. Waller's question about fire safety, Fire Marshall Robby Dawson stated that the property access based upon twenty-one (21) lots does not require a second access to the property for fire safety. The life safety concerns are being addressed with sprinklers in the home.

Dr. Brown opened the floor for public comments.

Mr. Roger Bennett, president of the Wellington Farms Home Owner Association said he and their board agree with the twenty-one (21) home lots as long as there is no vehicular access to Wellington Farms.

There being no one else to speak, Dr. Brown closed the public hearing.

Dr. Wallin stated he feels since the applicant's proposal has reduced the number of homes from ninety-nine (99) to twenty-one (21), this is an acceptable land use. This new land use proposal comes much closer to meeting the vision of the Comprehensive Plan. While he commends staff for their recommendations and understands why they recommended denial, he has to look objectively at the overall impact. There are three areas that he takes into consideration when making a decision; the impact on the community, the impact on Chesterfield County and government resources and to be fair with the applicant.

Dr. Wallin motioned to recommend approval of Case 14SN0508 with the stated conditions. There was no second, so the motion died.

Mr. Waller indicated he disagrees with the idea that the emergency access road cannot be accessed through Wellington Farms for fire safety.

Dr. Wallin stated the loss of the emergency access road is not a requirement for twenty-one (21) lots. In addition, he asked the applicant to speak again about the fire saving features and Carrie Coyner mentioned the sprinkler installation in the twenty-one (21) homes to be built.

Dr. Brown expressed he could not support the case due to the zero cash proffers, the lack of water to address fire safety and adding vehicles to Centralia Road where cars could back up on the railroad tracks.

In response to Mr. Waller's question, Ms. Tara McGee stated that once a motion is made and voted on, the same motion cannot be brought before the Commission in the same meeting.

On motion of Dr. Wallin, seconded by Mr. Waller, the Commission resolved to take no action in Case 14SN0508 and to send it to the Board without a recommendation.

AYES: Messrs. Brown, Wallin and Waller.

ABSENT: Messrs. Gulley and Patton.

XII. PROPOSED CODE AMENDMENT RELATIVE TO TECHNOLOGY ZONES.

An Ordinance to amend the <u>Code of the County of Chesterfield</u>, 1997, as amended, by amending and re-enacting Section 19-25 of the Zoning Ordinance relating to Planning Department fees. The proposed amendment would extend to proposed Technology Zones the exemption from paying Planning Department fees that currently applies to Enterprise Zones. For site plan and administrative variance submittals in either an Enterprise Zone or Technology Zone, the amendment would also delete the requirement that the director of planning determine that such exemption requests are in compliance with the comprehensive plan. Interested persons may attend and speak at the public hearing. After the public hearing, the Planning Commission may recommend changes in the proposed amendment, which could range from recommending no change in the current fee schedules to recommending that all fees be changed in accordance with the proposed ordinance amendments, or any combination of fees in between these two positions. The legal authority for enactment of these fees, levies, increases and/or reductions includes the County Charter and Va. Code § 15.2-2286(A) (6). Except as described herein, no other new, increased or reduced fees are proposed with this amendment.

The Commission recessed at 7:34 p.m.

The Commission reconvened at 7:39 p.m.

Mr. Steve Haasch offered to present an overview of the Ordinance Amendment Relative to Fees of Technology Zones. The Commission opted to forego the presentation.

Dr. Brown opened the floor for public comments.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Brown closed the public hearing.

On motion of Dr. Brown, seconded by Mr. Waller, the Commission resolved to recommend approval of the Code Amendment Relative to Technology Zones- an Ordinance to amend the <u>Code of the County of Chesterfield</u>, 1997, as amended, by amending and re-enacting Section 19-25 of the Zoning Ordinance relating to Planning Department fees. The proposed amendment would extend to proposed Technology Zones the exemption from paying Planning Department fees that currently applies to Enterprise Zones. For site plan and administrative variance submittals in either an Enterprise Zone or Technology Zone, the amendment would also delete the requirement that the director of planning determine that such exemption requests are in compliance with the comprehensive plan.

AYES: Messrs. Brown, Wallin, Patton and Waller.

ABSENT: Mr. Gulley.

IX. CITIZEN COMMENTS ON UNSCHEDULED MATTERS.

There were no citizen comments on unscheduled matters.

X. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Dr. Brown, seconded by Mr. Waller, that the meeting adjourned at 7:42 p.m. to Tuesday, October 15, 2013 at 4 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

Chairman/Date	Secretary/Date